

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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ABDALLAH MOHAMAD BALAGHI

Plaintiff

-against-

**COMPLAINT FOR
WRIT OF MANDAMUS**

MICHAEL MUKASEY, Attorney General of
the United States; MICHAEL CHERTOFF,
Secretary, Department of Homeland Security;
JONATHAN SCHARFEN, Acting Director,
U.S. Citizenship and Immigration Services;
ANDREA QUARANTILLO, New York
District Director, U.S. Citizenship and
Immigration Services

Civil Action No.

USCIS No. A 046 657 016

Defendants

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Plaintiff, ABDALLAH MOHAMAD BALAGHI, through undersigned counsel,
alleges as follows:

1. Plaintiff is a native and citizen of Lebanon. He has been a lawful permanent resident of the United States since 13 March 1998. At all times hereinafter-mentioned Plaintiff was and still is a resident of Queens County. He currently resides at 28-11 41 Street, 3rd Floor, Astoria, NY 11103. His alien registration number is A 046 657 016. See Exhibit A (*Permanent Resident Status*).

2. Defendant MICHAEL MUKASEY is the Attorney General of the United States; Defendant MICHAEL CHERTOFF is the Secretary, Department of Homeland Security ("DHS"); Defendant JONATHAN SCHARFEN is the Acting Director, U.S. Citizenship and Immigration Services ("USCIS"); and Defendant ANDREA QUARANTILLO is the New York District Director of the United States Citizenship and Immigration Services ("USCIS") with the supervisory authority over all operations of the USCIS within the New York district, including the authority to grant or deny naturalization applications submitted to the USCIS within the New York district pursuant to 8 U.S.C. § 1421 and 1427. Defendants are sued herein in their official capacities. Defendants are charged by law with the statutory obligation to adjudicate applications for naturalization.

3. The Court has jurisdiction of this action pursuant to 28 U.S.C. 1331, 28 U.S.C. 1361, and 5 U.S.C. 701 et seq., and relief is requested pursuant to said statutes. This is a civil action to redress the deprivation of rights, privileges, and immunities secured to Plaintiff by compelling Defendants to perform a duty Defendants owe to Plaintiff.

4. Venue is proper in this Court under 28 U.S.C. 1391(e) because Defendant ANDREA QUARANTILLO resides in this district.

5. On or about 26 November 2004 Plaintiff filed an Application for Naturalization (*Form N-400*) with the Defendants. See Exhibit B (*Receipt Notice*).

6. By Notice of Action (*Form I-797C*), dated 28 September 2005, Defendants scheduled Plaintiff for an initial naturalization interview on 10 November 2005. See Exhibit C (*Initial Interview Notice*). Subsequently, by Notice of Action (*Form I-797C*) dated 25 October 2005, Defendants descheduled the previously scheduled interview for 10 November 2005. See Exhibit D (*Interview Descheduled by INS*).

7. To date, Plaintiff has not been scheduled for an interview on his application. Plaintiff has made repeated inquiries of Defendants to learn the status of his application and has learned only that the rescheduling of his interview is pending completion of a background security check.

8. Defendants have given no indication when Plaintiff may be interviewed and his application adjudicated.

9. Defendants, in violation of law and regulations, have willfully and unreasonably refused to adjudicate Plaintiff's "Application for Naturalization" ("Form N-400"), thereby depriving Plaintiff of the benefit of becoming a citizen of the United States.

10. Plaintiff has exhausted any administrative remedies that may exist.

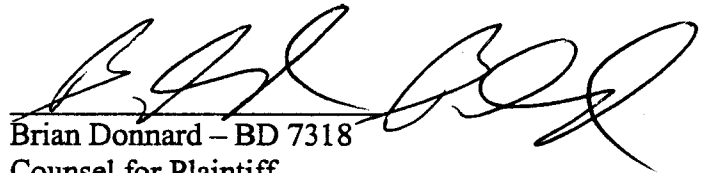
WHEREFORE, Plaintiff prays that the Court:

1. Compels Defendants and those acting under them to perform their duty to adjudicate Plaintiff's application; and
2. Grant such other and further relief as this Court deems proper under the circumstances.

Respectfully submitted,

Dated: 17 June 2008

PLUNKETT & DONNARD

A handwritten signature in black ink, appearing to read 'Brian Donnard', is written over a horizontal line.

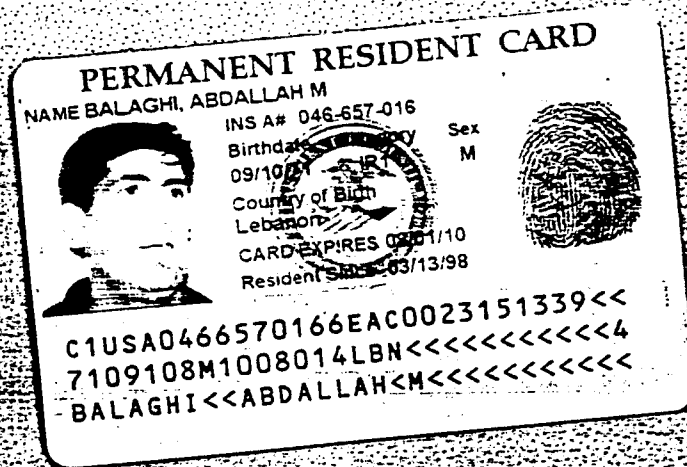
Brian Donnard – BD 7318
Counsel for Plaintiff
401 Broadway, Suite 912
New York, New York 10013
(212) 219-9866

Plaintiff: Abdallah Mohamad BALAGHI

USCIS No.: A 046 657 016

INDEX OF EXHIBITS

- A) U.S. Permanent Resident Card;
- B) Form I-797C, dated 2 December 2004, evidencing receipt of Application for Naturalization (Form N-400) on 26 November 2004;
- C) Form I-797C, dated 28 September 2005, requesting initial naturalization interview on 10 November 2005; and
- D) Form I-797C, dated 26 October 2005, descheduling the previously scheduled interview for 10 November 2005.





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|--|------------------------------------|------------------------------------|----------------------------------|
| Receipt | | | NOTICE DATE December 02, 2004 |
| CASE TYPE N400 Application For Naturalization | | | INS A# A 046 657 016 |
| APPLICATION NUMBER ESC*001337714 | RECEIVED DATE November 26, 2004 | PRIORITY DATE November 26, 2004 | PAGE 1 of 1 |

APPLICANT NAME AND MAILING ADDRESS
ABDALLAH MOHAMAD BALAGHI
c/o JOSEPH W PLUNKETT ESQ
PLUNKETT & DONNARD
401 BROADWAY SUITE 912
NEW YORK NY 10013

PAYMENT INFORMATION:
Single Application Fee: \$390.00
Total Amount Received: \$390.00
Total Balance Due: \$0.00

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The above application has been received by our office and is in process. Our records indicate your personal information is as follows:

Date of Birth: September 10, 1971
Address Where You Live: 28-11 41ST STREET #3RD FLOOR
ASTORIA NY 11103

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 540 days of this notice.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address:
US IMMIGRATION AND NATURALIZATION SERVICE
75 LOWER WELDEN STREET
ST ALBANS VT 05479-

INS Customer Service Number:
(800) 375-5283

REPRESENTATIVE COPY

ESC001310631

Form I-797C (Rev. 11/28/03) N



